REMARKS

In the aforesaid final office action, the drawings were objected to under 37 CFR §1.83(a), claims 1-9 were rejected under 35 USC §112, first paragraph, claims 1-5 and 7-9 were rejected under 35 USC §102(e) as being anticipated by Felt et al. (U.S. Patent No. 6,140,452), and claim 6 was rejected under 35 USC 103(a) as being unpatentable over Felt et al. in view of Miyata et al. (U.S. Patent No. 5,439,443). Claims 1-13 are pending, with claims 10-13 being withdrawn from further consideration.

The Examiner objected to the drawings under 37 CFR §1.83(a), stating that the balloon having a folded noninflated configuration must be shown or the feature(s) canceled from the claim(s). Applicants have amended figures 7 and 9 to illustrate the balloon having a folded noninflated configuration with wings 115. Support for the amendment to the figures can be found on page 20, lines 10-14, disclosing that the balloon 114 typically forms wings, which may be folded into a low profile configuration for introduction into and advancement within the patient's vasculature. Applicants have amended the paragraph beginning at page 20, line 1, to make it consistent with the amendment to figures 7 and 9.

The Examiner rejected claims 1-9 under 35 USC §112, first paragraph, stating that the balloon is claimed in amended claim 1 as "having a folded noninflated configuration", and the balloon is disclosed as not requiring folding on pages 6 and 11. However, the Examiner's attention is directed to page 20, lines 1-14, disclosing that in

the embodiment of Fig. 7, the balloon has a folded low profile configuration. Therefore, applicants respectfully submit that the subject matter of claim 1 is supported by the disclosure in the application as filed.

The Examiner rejected claims 1-5 and 7-9 under 35 USC §102(e) as being anticipated by Felt et al., stating that Felt discloses that the balloon is made from Bionate and is folded and within the lumen of a sheath or shaft. The Examiner further states that the balloon is inherently axially noncompliant, and the claimed physical properties are present in the prior art material to some extent even though not explicitly recited. However, Felt does not disclose or suggest a polycarbonate polyurethane balloon having a proximal end and a distal end encircling and sealingly secured to the shaft. Although, Felt discloses that the balloon can be formed of Bionate, balloon 12 is a bag configured to receive and contain curable biomaterial and then separate from the shaft (i.e., "conduit 14"), with only the proximal end of the balloon 12 secured to the shaft. Thus, the distal end of the balloon is not encircling and sealingly secured to the shaft as required by the Applicant's claimed embodiment. It should be noted that Felt appears to use the term "distal" to refer to locations closer to the end of the device outside the patient, and the term "proximal" to refer to locations closer to the end of the device inside the patient, which is opposite to the way the terms are used by applicant.

The Examiner rejected claim 6 under 35 USC §103(a) as being unpatentable over Felt et al. in view of Miyata et al., stating that Felt does not disclose how the material for the balloon is formed, and that it would have been obvious to use the chain extender 1,4 butanediol for producing polymer blends as taught by Miyata et al. for making a

copolymer balloon of polycarbonate polyurethane of Felt et al. to provide a non-compliant balloon. However, as discussed above, Felt does not disclose or suggest a polycarbonate polyurethane balloon having a proximal end and a distal end encircling and sealingly secured to the shaft.

In light of the above amendments and remarks, applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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